REMARKS

The present invention is a method for preparation of slaughtered poultry for picking and a system for the preparation of the slaughtered poultry for picking. A system for the preparation of the slaughtered poultry 9 for picking in accordance with the embodiment of the invention includes a scalding department 2, a water vapor source 4 for introducing water vapor into the scalding department, at least one transporting line 8 for transporting bodies of the slaughtered poultry through the scalding department, a flow generation device 17 and/or 19 and a guiding device 18 and/or 20 for guiding the at least one flow of water vapor-air mixture against predetermined regions of the at least one of the bodies of the poultry. This subject matter provides a solution to the deficiencies of the prior art as discussed in paragraphs [0003]-[0004] of the Substitute Specification.

Claims 1-25 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 5,045,021 (Borup). The Examiner reasons as follows with respect to independent claims 1 and 13.

> Borup teaches a method of thermal treatment and an apparatus for carrying out the method. More specifically, the steps of the method include scalding the bodies of pigs by introducing heated water vapor into a heated scalding compartment at a predetermined temperature. Further, at least one flow of a water vapor-air mixture is generated and guided against the carcasses at predetermined regions without the carcasses being submersed in water. See the related discussion column 3, lines 16-30. As seen in Figure 1, water vapor is introduced into a lower region of the scalding compartment. However, Borup does not discuss or teach the method of scalding on poultry carcasses.
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> In regards to claims 1 and 13, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Borup to be performed on poultry carcasses, in that, both types of carcasses are widely known for being scalded

during the processing of turning the carcasses into food, and as a result, are considered to be structurally equivalent.

These grounds of rejection are traversed for the following reasons.

The Examiner correctly observes that Borup does not teach the processing of poultry carcasses. However, the Examiner then merely concludes that "both types of carcasses are widely known for being scalded during the processing of turning the carcasses into food, and as a result are considered to be structurally equivalent". It is submitted that this reasoning is based upon hindsight and moreover is improper.

The question becomes would a person of ordinary skill in the art, who understands the processing of poultry which is known to require specialized scalding to remove feathers, consider Borup's teaching for scalding of slaughtered pigs utilizing heating of the rhine surface which is a special application peculiar to the processing of pigs so that the bristles are easily torn off as described for example in the second paragraph of Example 1 in column 6 to be relevant to removal of feathers. It is submitted that this special application of processing slaughtered pigs to remove bristle hair so as to facilitate the obtaining of hair free rhine would not be considered by a person of ordinary skill in the art to be analogous to the processing of chickens to remove feathers.

The heat processing conditions to remove hair from pigs and feathers from poultry are substantially different. Even though the application hot humid air to the skin of a pig is demonstrated by Borup to remove bristle hair, a person of ordinary skill in the art would not be motivated to modify Borup to arrive at the subject matter of independent claims 1 and 13 which require guiding at least on flow of water

vapor-air mixture against predetermined regions of at least one of the bodies of poultry as recited in independent claims 1 and 13.

It is submitted that the Examiner's reliance on Borup is misplaced since the teaching is the use of humidified air which is directed uniformly toward the rhine of the slaughtered pig to remove bristle hair on the skin which is a totally different problem from scalding poultry. Borup is non-analogous art to the claimed scalding of slaughtered poultry to facilitate removal of feathers.

Dependent claim 16 recites the transporting line is a slaughter line extending through the scalding department having a looped pathway having runs running substantially parallel to each other with respect to the bodies of the poultry hanging by their feet in fixed positions. It is submitted that the Examiners rational that the term "conveyer is widely regarded as an endless conveyer such the loop is formed" is not justified with respect to the subject matter of claim 16 with the Examiner suggesting that Borups teaches a plurality of subunits in series suggest this subject matter. It is submitted that this conclusion is based upon impermissible hindsight.

Claim 17 further limits claim 13 in reciting wherein the transporting line within the scolding department has a length which is chosen based upon a required residence time of the bodies of poultry within the scalding department at a preset velocity. This subject matter is not suggested by Borup given the recitation of bodies of poultry being recited in the claim as being processed by the claimed system.

Claim 18 further limits claim 13 in reciting that the flow generation device includes a fan and a suction line drawing off the water vapor-air mixture from an interior of the scalding department and a pressure line which reintroduces the water vapor-air mixture into the scalding department. The Examiner's conclusion that the

water from the outside to the chamber interior is considered to be suction line and that air traveling over a water supply pipe will inherently create a suction due to the drop in pressure as a result of traveling air is based upon an unreasonable construction that a person of ordinary skill in the art would not make except by impermissible hindsight.

Claim 19 further limits claim 18 in reciting wherein at least one fan has a flap box associated with a suction line thereof including a flap which moves in response to suction and which seals an opening of a flap box which flap box which may be opened to the outer environment when suction is not applied. It is noted that the Examiner has supplied no rational in the rejection of claim 19 as being obvious over Borup and therefore the rejection is traversed.

Claim 21 further limits claim 20 in reciting wherein a first nozzle holder comprises a horizontal tube having a plurality of nozzles arranged across a length of the at least one transporting line and at a perimeter thereof openings of the nozzle are directed against a predetermined region of the bodies of the poultry transported past the nozzles. The Examiner alludes to Figure 4 teaching the subject matter. However, it is submitted that the Examiner has not demonstrated where the horizontal tube having a plurality of nozzles arranged across a length of the at least one transporting line and at a perimeter thereof openings of the nozzle are directed against the predetermined region of the bodies of the poultry transported past the nozzles is found. As may be seen, the nozzles 14 are vertically disposed and are not part of a horizontal tube having a plurality of nozzles arranged across a length of the at least one transporting line.

Claim 22 further limits claim 20 in reciting wherein a second nozzle holder comprises a closed end tube extending vertically between the bodies of the poultry comprising a plurality of nozzles disposed along a length of the tube and on a perimeter thereof wherein each nozzle including a nozzle opening directed against a predetermined region of the bodies of the poultry transported past the nozzle. Borup does not teach this subject matter pertaining to bodies of poultry.

Claim 23 further limits claim 21 reciting wherein the first nozzle holders are in rows with the rows being located between parallel runs of the at least one transporting line which extends in a loop pathway and is part of a slaughter line. It is submitted that this subject matter is not disclosed by Borup.

Claim 19 stands rejected under 35 U.S.C. §103 as being unpatentable over Borup further in view of United States Patent 3,657,768 (Snowden). These grounds of rejection are traversed for the following reasons.

Snowden has been cited as teaching a damper or flat box associated with a fan. However, it is submitted that Snowden would not motivate a person of ordinary skill in the art to arrive at the subject matter of claim 19 which is dependent upon the subject matter of claim 18 which is dependent upon the subject matter of claim 13 except by impermissible hindsight. The Examiner's assertion that the flap box 60 of Snowden would make it obvious "to provide proper air circulation in the water air-vapor mixture" based upon the disclosed function of Snowden to provide for ambient air to end through the lower end of the housing 10 as stated at the end of column 5 and the top of column 6 is not justified.

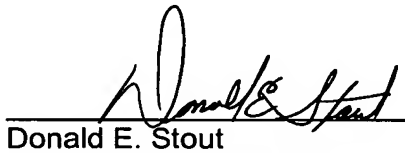
Newly submitted claims 26 and 27 have been added to further specific a claim the at least one flow of a water vapor-air mixture comprises first nozzles which

are attached to the at least one horizontal tube and second nozzles which are attached to at least one vertical tube which are respectfully directed against the legs and portions of the body below the legs of the poultry. This subject matter is not suggested by Borup. Moreover, a person of ordinary skill in the art would not be motivated to modify the teachings of Borup to arrive at the subject matter of the claims.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (900.43248X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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Attachments

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